

Andrews (J. B.)

The Case of Peter Louis Otto.
A Medico-Legal Study.

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THE CASE OF PETER LOUIS OTTO.—A MEDICO-LEGAL STUDY.*

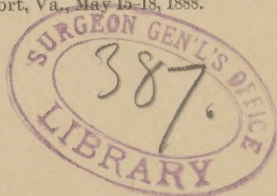
BY JUDSON B. ANDREWS, A. M., M. D.,
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Peter Louis Otto killed his wife on the 14th day of November, 1884, and was tried before the Court of Oyer and Terminer, Judge Charles Daniels presiding, in December following, convicted of murder in the first degree and sentenced to be hanged on the 20th of January, 1885. An appeal was taken to the General Term of the Supreme Court and the judgment of conviction affirmed. The case was then carried to the Court of Appeals and the sentence of the lower court was sustained. A petition presented to the governor for an examination into his then mental condition was granted, and two physicians were appointed to examine the prisoner, and upon their report of his sanity the governor refused to interfere. A final appeal was made for a reprieve, that another trial might be had on the ground of newly discovered evidence, but this being refused, on the 21st of May, 1886, after having been three times sentenced, the prisoner paid the extreme penalty of the law.

The trial of the prisoner was begun on the 8th of December, 1884. He was a short, compactly built man, in good flesh and health, and at this time was 35 years of age. He was born of German parents in the city of Brooklyn, but at an early age removed with them to Buffalo, where he attended the public schools till he was fifteen years of age, and acquired a fairly good education, learning the common branches in both the English and German languages. As a boy he was ordinarily bright, quiet, good natured and received such religious instruction that at the proper age he was confirmed in the Lutheran church. His father died during the war in Andersonville prison, and his mother, a simple minded woman, though broken in health and crippled by rheumatism, is still living. There is no history of insanity in the family, unless the senile enfeeblement of the mother be accounted as such. The father, according to the statement of the mother, drank beer, and on one occasion was violent in his intoxication.

Otto left school and went to work about the time of the death

* Read at the annual meeting of the Association of Medical Superintendents of American Institutions for the Insane, held at Old Point Comfort, Va., May 15-18, 1888.



of his father, and at first was employed for some years in a stove manufactory; afterward, for a short period, in a printing office. Subsequently he worked in a large confectionery establishment and became skilled in one branch of the business. He continued in the same place for eight years consecutively, and was liked by his employer and fellow workmen, who described him as a quiet, industrious man, pleasant and agreeable to all.

In 1874 he received an injury to the ankle, by falling from a car, for which he was treated in the General Hospital from July to September, and discharged well. In 1880, during the presidential election, while walking in a procession, he was knocked down by a blow from a brick or stone, and left the ranks, but soon rejoined them, and was at work the next day, losing no time from the injury. Four years before the murder, while intoxicated he was married to a widow woman who had two children, still living, by her former husband. A third was born seven months after the marriage with Otto, a fact which did not promote happiness between them, while a fourth child was born two years afterward.

At this juncture, Otto with his family went to live with his mother, and continued to do so until the time of the murder. She owned the place, and Otto, as the only remaining child, expected to become heir to the property, and often importuned her to make it over to him. This she very properly refused to do, and the wife sustained her in this decision. This subject was frequently discussed between them, and was the cause of angry dispute and of complaints by Otto to his associates. He claimed it as a conspiracy between his wife and mother to keep him out of the property. Some ten years before, a judgment had been obtained against the mother by a carpenter, for work done on the house; this claim she refused to settle, and on supplementary proceedings, by neglect to appear, was adjudged in contempt of court. This had embittered her and she included the law, the lawyers, the judges, the sheriff, and all in any way connected with the case as in a conspiracy to defraud her and deprive her of her property and rights. These matters were almost constant subjects of conversation in the household and with their acquaintances, and were frequently spoken of by the witnesses in the trial.

For about twelve years he had been in the habit of drinking, and had frequent periods of intoxication. After the marriage, and especially after he went to live with his mother, who sympathized with the wife, the prisoner became more dissipated and abusive. He drank mostly beer, with a little wine and less

whisky; his wife also drank with him. About two years before the murder he had a fight with his wife in which he threw a plate at her and inflicted a wound upon her forehead. For this he was sent to the penitentiary for sixty days. During his absence his wife did work in a house of ill-fame in the neighborhood, and also washed for the inmates at her own house, and this fact which came to his knowledge, formed the basis of his suspicions of her chastity which he expressed during the examination into his mental condition. He was arrested again at the instigation of his wife, for non-support, in January, 1884, but was discharged by the justice, who advised them to settle the differences which existed between them. On the 8th of September, 1884, he was taken to jail on the charge of being insane from drink, but after being kept in confinement for eight days under the care of the police surgeon, was discharged and went to work. This he continued without interruption or any decline in skill or ability until Tuesday, the 11th of November.

Of his doings on the 11th and 12th there is no testimony. On the 13th, the day before the murder, the evidence shows that he met a comrade at about 10 A. M., that he was then sober, but drank that forenoon about five glasses of beer; that he pawned his watch for four dollars and purchased a box of pistol cartridges of a gunsmith. In the afternoon he was in a saloon and had a small glass of beer. He told the proprietor that he was in trouble, that his mother had conveyed the property to his wife to cheat him out of it, and then said, "I am going to do something that will astonish you in a few days," "I will be in jail in a few days," and asked the proprietor to put his hand in his (the prisoner's) pocket, and said "feel of that." It felt like a pistol.

It was also in evidence that some two weeks before the shooting he exhibited to his wife some pistol cartridges, (this while he was working regularly) and said to her, "you will get one of those in the head sometime yet," and that she replied that she was just waiting for it.

In the evening, about 6 P. M., he called at a jeweler's and showing a revolver asked how much it was worth. He said he had bought it for \$2 from a fellow who was hard up, and he wanted to know how to get the barrel out to clean it. When asked his name he laughingly gave that of one of the most prominent German citizens of Buffalo. After some further unimportant remarks the jeweler told him not to do anything foolish with it, and Otto left the store.

The next thing we hear of him was on the following (Friday) morning about a quarter before seven. He then got up from the bed where he was sleeping with his son, ten years of age, and said to his wife "why don't you wake a man up to go to work," she replied "you don't work now, this is the third day you are bumming around." He then left the house and at about eight o'clock came to the jeweler's again and complained that the barrel of the revolver did not turn, saying it was the fault of the cartridges, one of which was in the pistol. The jeweler showed the prisoner that it was necessary to bring the revolver to a half-cock before the barrel would turn. After cautioning him not to do anything wrong, he asked Otto what he wanted to do with it. In reply the prisoner held it toward his own head and made a motion as if he would shoot. After a little more conversation he left the store. He was then sober. Between nine and ten o'clock he was in a saloon and bought a glass of beer and at that time was sober. The next we hear of Otto was when he appeared in the back yard of his own premises about 11 o'clock where his wife was hanging out a washing, and the son was chopping kindling wood. Otto and his wife went into the house but soon came out together. She then hung up a basket full of clothes, he waiting outside till she was through, when he followed her into the house and shut the door. After about five minutes the noise of pistol shots, five in number, was heard by the son. During the firing he heard his mother scream and saw her through a window of the door, trying to open it from the inside, but in this she did not succeed. Otto then ran through the back yard into a street, in the rear of the house and disappeared. The attention of some men at work near by was attracted by the occurrence and a policeman sent for who found the dead body of the woman lying on the floor by the door.

The next seen of Otto was in the store of his employer about one o'clock, or two hours after the shooting. He had the appearance of being somewhat under the influence of liquor but shook hands with his employer and said "how do you do." He, having heard of the murder, said to him, "Pete, you have got into pretty serious trouble." Otto replied "you have heard of it?" and added "some three or four years ago you told me if I did not alter my course I would bring up on the gallows." A mounted policeman who was passing at the time was called in, arrested him and took him to the station house, where after examination he was committed to jail. From this time he was under close observation and was examined by several physicians.

I saw him first on the following Tuesday, November 18, in company with Dr. Granger of the asylum. We made a careful physical examination and found him in good flesh, eating and sleeping well with no history of ill health, past or present. He had never had convulsions or syphilis, there was no paralysis or muscular tremor nor any evidence of the physical disturbances produced by alcohol. There was no history obtained from him nor from his mother (whom we subsequently questioned on the subject) of any hereditary taint of insanity, epilepsy or neurosis of any kind in the family. He had a scar over the right eye apparently of a superficial cut, but without depression of bone, and there were scars of the injury to the ankle for which he was treated in the hospital ten years before.

He had a large, well shaped head, pupils were equal and responded normally to the stimulus of light; skin was clear, naturally warm, and there was no congestion or bloating. There was however a partial deafness of the right ear.

I saw him three times with intervals of one week between the visits. The first time he replied to all questions readily, and gave me the facts of his past life correctly and substantially as reported in the case, except the details taken from the testimony, as specified, but claimed that he had great loss of memory and that the mental enfeeblement was so serious that he was unable to do his work. He said he had worked during September, October and in November till a few days after election, but denied all knowledge of anything subsequent to this, of his having a pistol, of having bought cartridges, of the shooting, of the arrest or of being put in the station house and subsequently the jail. Said he did not know when he came to the jail—it might have been that day or the day before. He denied having been in jail in September or of having seen the turnkey, whom he knew well. He denied that his wife was dead or that he knew anything of her, and when asked why he was in jail said it was a part of the conspiracy to get him out of the way so that his wife could get the property. In further explanation said he was the heir to the property and that his mother had refused to give it to him, very wisely as he thought, because he was a drunkard and a brute and had acted so toward his wife and mother.

Questioned in regard to his relations with his wife, said they were unpleasant, largely on account of his drinking; that they had frequent troubles and quarreled, that he had struck her and she had struck him, that he struck her and cut her with a plate at the

time he was sent to the workhouse some two years before; that his arrest at that time was instigated by his wife and also his subsequent arrest for non-support. In regard to suspicions as to her fidelity he accused her of having gone to houses of ill-fame, but said she claimed to have gone there to work and support the family. He said he had been up at night thinking he heard people about the house, but had never seen any one. That on one occasion some months previously, he thought, from the deep sleep he fell into after drinking, she might have put something in his beer. He further stated that when intoxicated he thought he heard people talking about him in saloons, but when not under the influence of liquor he heard no one talking about him and lived pleasantly with his wife.

On my second visit he claimed he did not know me nor Dr. Granger, could not say that he had ever seen either of us, but might have seen me on the street; that his memory was poor, that he might tell me one thing one day and forget it the next. He did not recall our presence nor any conversation he had with us. When asked again in regard to his relations with his wife he denied his formerly expressed suspicions, and stated he had not had marital relations with her for more than two years, that the reason was that he and the boy slept together, and the wife slept with the other children; denied that his wife had ever given him any medicine except once, some St. Jacobs' Oil.

He denied ever having any intention of committing suicide. (By the counsel for the defense it was claimed he had made two attempts; one by taking some liniment, St. Jacobs' Oil, used by his mother for rheumatism, but this his son testified he spat out, and again on the 4th of July he set off some fire-crackers under a lounge on which he was reclining, saying he was going to blow himself up.)

I went over many of the same points as on the first visit to which he made ready answer, but said he did not remember them. He contradicted his former statements materially, and could not be induced to say anything about the events transpiring near the time of the murder, and as before denied all knowledge of the death of his wife, or of having a pistol, &c., said he did not know why, when or how he was arrested, and denied that he had seen friends who were known to have visited him and with whom he conversed freely. He also laid more stress than before on his loss of memory and mental enfeeblement. I then asked if he heard any voices. He said he did: that he heard people come to

his cell and talk about him and say, "There he is, there is the fellow."

On the occasion of my next visit, the following week, he answered my questions freely, but in response to most of them said, "I don't know," "I can't remember." He asserted he did not know me and that he did not recall ever having seen me, and claimed that his memory was still more defective than before. He could not tell how long he had been in jail, it might be a week, it might be three months, it might be a year. When asked how long since he had seen his wife and children, said it was a long time, it might be three months, six months or a year. He denied the killing or any of the circumstances detailed, and could not be induced to approach in his knowledge of events, nearer than that he had worked till after election. He claimed he did not know at this time, the circumstances of his life which he told freely, on the first examination, denied that he had ever been in a hospital, or knew what a hospital was. His ignorance was pitiable and about the only thing he knew was that his memory was poor and his mind was feeble. Further examination was not deemed necessary as he apparently knew less on each occasion. This is substantially the account of my examinations as given on the trial.

The defense was alcoholic insanity and the existence of a trance condition. Now let us examine in detail the statements relied on to prove his insanity. His denial of the death of his wife and assertion that she was still living. This I cannot consider as indicative of either sanity or insanity, but as a lie. Such ignorance was not consistent with the mental and physical condition we found existing at the time of the various examinations, extending over a period of nearly three weeks. It is flatly contradicted by the statement of the jailor who had charge of him, that he repeatedly referred to the fact of her death, in conversations with him.

His forgetfulness and mental enfeeblement, extending, as he claimed, to inability to do his work, was shown to be false by his employer, who testified that he was active and bright and never did better work than on the last days he was at the shop, and this was confirmed by his fellow-workmen. The strength of his memory was attested by his remarks to his employer when he was arrested, and recalled a conversation held some years before, and also by his ability to answer questions concerning his past life—up to a convenient period before the killing. Further, the jailor

says, "that when others, beside the examining physicians came to see him, he talked freely with them and manifested no loss of memory or hesitancy in calling names or answering questions. That there was never on any occasion any loss of knowledge of people or even sluggishness of memory or mental action."

His claim of a conspiracy on the part of his wife and mother to keep the property from him. The subject of conspiracy had been for years one of common talk, and the mother had refused to make the property over to him as he demanded, and in this his wife had acquiesced. These facts were fully sufficient to explain the so-called delusion.

As to the suspicion in regard to the fidelity of his wife and her visiting houses of ill-fame. It was in evidence that she had worked in these houses and had washed for the inmates. Again consider the fact that he married his wife while in a state of intoxication, and that the first child was born seven months afterward. These would seem to be adequate grounds on which a jealous man might fairly base suspicions of infidelity, even granting the chastity of his wife.

As to the statement that he heard men about the house, even going up and down stairs, though he distinctly asserted he never saw them, it is to be remembered that the house was on an active business thoroughfare, and that the second story was rented to another family, and as there was no outside staircase all the movements of the people were through the lower story, where he lived. The statement that he got up at night to look out is contradicted by his son who always slept with him.

As to the statement that he heard voices in saloons and in the jail, saying "there he is," "there is the fellow," we give the explanation in his own words that he heard them in saloons only when intoxicated, and that his being deaf made him confuse sounds; that when I talked quietly with a gentleman there, (Dr. Granger,) in an undertone, he suspected I might be talking about him and said he was suspicious, attributing it to his deafness. As to his hearing voices in the jail, this was not an hallucination but a fact, and is thus explained: there was a grilled door to his cell, and many visitors, passing this door, which opened out into the corridor, stopped, looked in and in conversation made the comments as stated. This happened during the time of my examination of him.

To summarize, we have in Otto, a man of fair education, when sober, quiet, pleasant and a general favorite among his fellow-

workmen, quick and intelligent in his work, in whom no change was noticed either in his conduct or speech, who though occasionally intoxicated, worked steadily from his return from confinement in September, until November 11th. We have a history of quarrels with his wife from time to time and the statement of his employer, which was not drawn out on the trial, that his wife came to the store on the 12th day of November, two days before the shooting, looking for Otto, and said he was drinking again and she had a big stick at home to beat him with. We have, in the account of his actions on the day before, the following facts, viz.: the pawning of his watch, the purchase of the pistol and cartridges, the effort to find out how to use them, and on the day of the murder, the refusal of his wife to get breakfast for him, that he went again, early in the morning, and while sober, to learn how to use the weapon, that at ten o'clock he was sober, and had a single glass of beer, at eleven shot his wife, and for two hours disappeared, then came to his employer's store and recalled a conversation held some years before, when he was arrested and placed in jail. From this time his condition was such as I have narrated in my several examinations of him, showing a constantly increasing mental failure as the time of his trial approached. Then taking into account the explanations of his statements already given, I felt compelled to testify that in my opinion Otto was not insane.

Now a word in regard to the trance state claimed. This must have existed, from at least three days before the shooting, until after my examination, a period of twenty-one days, or if we take the whole time of his pretended ignorance, from the previous September, a period of nearly three months.

Another fact I presume will be admitted, that it is impossible for one to recall anything that occurred during the trance period, and secondly, unless he was really becoming demented there would naturally be a gradually increasing realization and return to a more normal mental condition. On the 2d of December, the time of my last examination, his apparent mental enfeeblement was more marked than at any prior time of my visits.

The following statement I think disposes most effectually of the trance or unconscious state. This statement was made to me by one of his counsel and taken down in shorthand some time after the final disposition of the case.

After Otto's conviction, and after I had in fact retired from the case, being at the jail one day and in the neighborhood of his cell, I called upon

him, and in the course of the conversation which followed he asked me how the appeal was getting along. I told him of its then existing condition, whereupon he said, with a sort of sly smile, that there was no necessity of hurrying on his account, that he enjoyed his present quarters, or, to use his own words, that he was "getting along all right here." Before this time, on one occasion when I was visiting him he told me voluntarily that he remembered now more than he did at the time of the trial. He said that after shooting the woman he ran out through the back yard, falling over a brush pile, and going through an alley, as the woman Butler had testified. That he ran thence around into a saloon and there threw away the revolver in a vault. That after that he went down toward the International Bridge with the intention of going to Canada, but before he got there he had drank some more and made up his mind to go back. On all former occasions he had denied to his counsel any knowledge or present memory of what took place on the morning of the shooting. So long a time has elapsed that I am not sure at this instant that I have used his exact words, but the fact stated to me indicated that he did have memory of all that took place at least after the shots were fired, until he had become crazed by drink again.

From the time of his trial I never saw him again. His counsel however, continued his exertions in behalf of the prisoner. He was seen and examined by a number of physicians and was said finally to have developed hallucinations of sight. He became much interested in the subject of religion, read his bible a great deal, especially certain passages which he claimed had a peculiar personal significance. Some of the physicians who examined him thought him insane and joined in a petition to the governor for a commission to examine him, while others refused to give the sanction of their names. In response to the application, the governor directed the district attorney to employ two physicians who had not been in the case before, to make a full examination of his then mental state. Drs. Slacer and Diehl were appointed and spent a week in the work. This was in May, 1886, after he had been in prison for eighteen months. I copy from stenographic notes taken at the various examinations and on which the report to the court was founded.

"As to his physical condition we found that his general appearance indicated that he was exceedingly well nourished. He slept well, had a good appetite and relished his food. His bowels were regular, his urine normal in amount, and by chemical and microscopical examination revealed no indication of disease. His lungs were healthy; his pupils responded normally to light and the ophthalmoscope gave no signs of disease; his pulse was 80 and temperature normal, skin warm and natural and capillary circulation good. He was tidy in appearance and kept his person and

clothing clean. We inquired into the history of his past life and obtained all the information possible as to his life and habits. We found that he had never had any epileptic fits or paralysis, and that there was nothing in his history that pointed to a hereditary tendency. The expression of his face was bright and showed no change from a normal condition." I quote some of the questions and replies elicited during the examination:

By DR. DIEHL.—*Q.* Where were you born? *A.* I don't know. *Q.* How old are you? *A.* I don't know. *Q.* What was the first school you went to? *A.* I don't know. *Q.* Who did you sit with at school? *A.* I don't know. *Q.* Who were your chums at school? *A.* I don't know. *Q.* Do you know where Spruce street is? *A.* No, sir. *Q.* Do you know where No. 12 school is? *A.* I don't know. *Q.* Did you go to No. 12 school? *A.* I don't know. *Q.* Now Otto, did you not go to No. 12 school on Spruce street? *A.* I don't know. Maybe I did. (Spruce street is the third street from where he lived.) *Q.* Otto, where is Milnor street? *A.* I don't know. *Q.* What is the name of the little street across the way from your home? *A.* I don't know. *Q.* Isn't that Milnor street across the way from your home? *A.* I don't know; I guess so. *Q.* Otto, where is the arsenal? *A.* I guess it is on Broadway. *Q.* Isn't it across the way from your house? *A.* Yes, sir; I guess it is.

This is a sample of his replies to the most simple questions. In the second day's examination interrogatives were put to him concerning his birth and past history, to all of which we got the same reply, "I don't know." "He claimed to have no recollection of having seen us before, could not readily recall his wife's name, and when asked where she was said he didn't know. Guessed he had two children but could not tell their ages even approximately. Did not know where he saw them last. Did not know the jail physician who had charge of him, and claimed to have no recollection of the past. He, however, showed emotional response and flushed up at times when contradicted as to his statements. He became excited and angry and laughed at things said. These replies of ignorance were repeated during the various examinations. He, however, would point to supposed lights, and when asked would say they were the Spirit of the Lord. Questions directed for the purpose of getting an explanation of these apparent hallucinations of sight were as follows: *Q.* Are you afraid to use tobacco? *A.* No, sir. *Q.* You were the last time we were here. *A.* I smoked a cigar. *Q.* Why? *A.* I like to

smoke when they smoke here. *Q.* Did not the Lord tell you not to smoke? *A.* Yes, sir. *Q.* Why did you disobey him? *A.* Those lights of fire, if they are the Lord's voice I don't know. *Q.* You don't know that he speaks that way to-day? *A.* No. I don't always. *Q.* You referred to the lights, and that the Spirit of the Lord came to you in that light. *A.* When I went to the light one day there came from that light (points to the gas light) four balls of fire in front of me, two big ones about so big, (the prisoner looks around) and two little ones, (the prisoner again looks around.) The two big ones are here, and here, (shows on his hands), and the little ones here, and here, and I went to the centre of the cell and up goes the light. (The prisoner then explains how they came.) They came down in front of me; what makes them I don't know, except that I should not smoke any more. Maybe the Lord says so, I don't know. *Q.* Have you smoked a cigar since we were here yesterday? *A.* When they smoke here I have got to smoke."

Still further, when asked about the death of one of his children, of which he manifested little recollection of the circumstances, he replied, "he is up in heaven, anyway." *Q.* How do you know that? *A.* Because I can see him sometimes. *Q.* Where? *A.* From the back of my head. When you think about heaven you can see him. "Such is the character and description of his hallucinations, which, however, though he claims they represent the Spirit of the Lord and convey to him a divine command not to smoke, do not control his actions. Although his mind is so feeble that he can recollect little or nothing of his past life, he can still talk of and explain these hallucinations, and his examiners say he takes a general interest in the affairs which have transpired about him. He has read the public papers up to date and has frequently cut from them and preserved statements concerning himself, and kept memoranda of events and the addresses of relatives and friends. He reads understandingly in both English and German, and writes quite well, and there is nothing further than this assumed loss of memory and hallucination, viz: the light which he pretends to see, which points at all towards insanity. If this loss of memory were so marked as assumed by the prisoner, we would expect, and would certainly find other evidences of dementia present. As to the hallucinations of sight which he assumed to have, we would say that he does not have them in ordinary conversation, and it is reported that he does not see them except when a number of persons are present. The jail

physician states that when the death watch was put on him on the former occasion he went into the same condition he is now in, and when it was removed he brightened up again, conversed quite freely and his memory returned."

We copy the report of the commission:

BUFFALO, N. Y., May 10, 1886.

EDWARD W. HATCH, Esq., District Attorney:

Sir—We, the undersigned, have the honor to report that in accordance with your request we have made careful examination of the condition of Peter Louis Otto, the condemned murderer, as to his mental state at the present time and since the date of his trial. In the course of this examination lasting for one week, we have had repeated personal interviews, together and separately, and have taken the testimony of those who have had the most intimate knowledge of him since his confinement in jail, namely, the sheriff, jailor, the assistant jailor, the watch, the jail physician and his spiritual adviser. We have in this way taken every means to inform ourselves fully as to his true condition. We find no evidence of any physical or mental change having taken place since the time of the trial which must necessarily have been the case if he were suffering from any form of insanity. He is in good flesh and in good physical condition. His circulation and respiration are normal, and all his physical functions are normally performed. He eats and sleeps well, and there is no complaint of any form of illness. We find that his mental state is entirely inconsistent with any form of insanity known, and we believe he is feigning mental disease. We therefore pronounce him, in our judgment, sane and responsible.

CONRAD DIEHL, M. D.

WM. H. SLACER, M. D.

A word about the hallucinations of sight referred to by the Commission. Hallucinations due to the use of stimulants coexist with other mental disturbances during the acute stage of the disease and are of the character of delirium. It is contrary to the history of disease for hallucinations of sight to be developed after a prolonged period of quiet and repose and freedom from the use of stimulants. The very fact of their origin after several months of confinement and rest, when there was no evidence of physical deterioration, and when the most careful medical investigation failed to reveal any disturbance of functions of any kind in the individual, is enough to create a profound impression that the hallucinations were feigned for a purpose.

Such was the impression upon the jail officials, upon the experts who saw him and upon the commission who officially examined him, all of whom recognized the unreality of these pretended hallucinations.

The governor having refused to interfere, an appeal was made for a reprieve in order to get time to make a motion for another

trial on the ground of newly discovered evidence. This was denied, and all hope of escaping legal punishment being taken away, the prisoner prepared to meet his fate.

A reporter of one of the daily papers says of an interview with him the day before his death. Quite a change was noticed in Otto's manner by all who conversed with him yesterday. He exhibited greater intelligence in answering questions and his memory of long past events which for the past nine months has apparently been extremely weak, was decidedly better. Other interviews with the prisoner, his final words, his remembrance of so many of his friends by name, and his thanks for kindness shown, all indicate a mental state inconsistent with that which he so persistently manifested in the repeated examinations of the physicians.

A post mortem examination was held, at which, however, none of the physicians who testified to his sanity were invited. The brain was removed and sent to Dr. E. C. Spitzka for a thorough, microscopical examination. He reports that there were no evidences of disease which indicated insanity nor any important cerebral changes.

I have taken the trouble to write out the Otto case as it was to me one of considerable interest and because it has been presented to the profession, and used to illustrate the theory of the trance state, and to support the view of those who believe all inebriety is insanity. By that writer, the murderer is held up to view as "another victim of medical non-expertness and judicial incompetency, and the trial, as another strange, inexcusable blunder of our boasted civilization, in mistaking insanity for wickedness, the injustice of which will react on both the court and the community." This is the language of one who furnishes as the latest dicta of science such utterances as the following.

"In all cases of inebriate criminals there is mental defect and incapacity either to reason sanely or to control their acts. An inebriate who does criminal acts cannot be of a sound mind. A criminal who is an inebriate is not sane. No inebriate is fully sane and no criminal can be of sound mind long."

By this standard, inebriety and criminality are but the evidences of insanity, and the more demoralized the drunkard and the more hardened the criminal the less the responsibility for his acts.

Such theories of medical jurisprudence may capture the sentimentalist and the pseudo philanthropist, but they will not commend themselves to the sober judgment of the medical profession, nor satisfy the demands of law and justice.

